

REMARKS

This Amendment and Response to Final Office Action is being submitted in response to the final Office Action dated December 23, 2010. Claims 1, 5, 6, 8, 11, and 19-33 are pending in the Application. The final Office Action includes the following:

- 1) Claims 1, 5-6, 8, 11, and 19-33 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.
- 2) Claims 30-33 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.
- 3) Claims 1, 5-6, 8, 11, 19-25, 27-28, and 31-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kay (US 6,223,166) in view of Halperin et al. (US 6,226,619, hereinafter Halperin).
- 4) Claims 26 and 29-30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kay (US 6,223,166) in view of Halperin et al. (US 6,226,619, hereinafter Halperin) as applied to Claim 21 above, and further in view of Coopersmith et al. (US 6,069,955, hereinafter Coopersmith).

Claims 30-33 have been canceled herein to further clarify the subject matter which Applicants regard as the invention, without prejudice or disclaimer to continued examination on the merits.

Based on the Final Office Action dated December 23, 2010, Applicants are submitting a Notice of Appeal herewith.

Pursuant to 37 CFR 41.33 Amendments and affidavits or other evidence after appeal, Applicants respectfully request entry of this amendment solely to cancel dependent Claims 30-33 which are currently rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. 37 CFR 41.33(b)(1) permits entry of amendments following the Notice of Appeal and before the Appeal brief if such

amendment is to cancel claims, where such cancellation does not affect the scope of any other pending claim in the proceeding.

CONCLUSION

Applicants would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

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